Ministry of Justice

Public Complaints Commission

Annual Report for 2015-16

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Government of Saskatchewan

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This annual report is also available in electronic format from the Ministry's website at www.saskatchewan.ca.

Letters of Transmittal

Her Honour the Honourable Vaughn Solomon Schofield,
Lieutenant Governor of Saskatchewan

May it Please Your Honour:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Public Complaints Commission Annual Report for the period ending March 31, 2016.

Gordon S. Wyant, Q.C.

Minister of Justice and Attorney General

The Honourable Gordon S. Wyant, Q.C.
Minister of Justice and Attorney General

Dear Sir:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Public Complaints Commission Annual Report for the period ending March 31, 2016.

W. Brent Cotter, Q.C.

Chair

Mission Statement

The Public Complaints Commission (PCC) is an independent panel of non-police persons appointed by the Saskatchewan Government to ensure that both the public and the police receive a fair and thorough investigation of a complaint against the municipal police in Saskatchewan.

One of the main functions of the police is the protection of the general public. Police services realize that their officers must maintain a high degree of public support to effectively carry out their duties. It is recognized that occasions arise when citizens feel they have not been treated fairly by a police officer. For that reason a citizen complaint procedure was set out in *The Police Act, 1990*. It is in the best interest of the public and the police to have citizens' complaints resolved in order to maintain the spirit of co-operation that now exists.

Governing Legislation

Role of the Public Complaints Commission

The PCC consists of five persons, including a Chairperson and a Vice-Chairperson who are appointed by the Lieutenant Governor in Council. By legislation, at least one member must be a person of First Nations ancestry, at least one member must be a person of Métis ancestry, and at least one member must be a lawyer. The Chairperson has the delegated authority to exercise the powers and to perform the duties imposed on the PCC.

Canada has long been recognized as a leader in the civilian oversight of the police. In 1992 Saskatchewan introduced legislation that identified a specific agency to address public complaints.

On April 1, 2006, following a consultation process with the Saskatchewan Association of Chiefs of Police, the Federation of Saskatchewan Indian Nations (FSIN), the Saskatchewan Federation of Police Officers, Métis Family and Community Justice Services, and local police boards, the PCC was created. The PCC replaced the office of the Saskatchewan Police Complaints Investigator.

Pursuant to subsection 39(1) and (2) of *The Police Act, 1990*, the duties of the PCC are as follows:

1. Where the PCC receives a public complaint pursuant to section 38, the PCC shall:
    a. record the complaint received;
    b. establish and maintain a record of all public complaints received by the police services and their dispositions;
    c. inform, advise and assist complainants;
    d. advise and assist the chiefs and boards, the hearing officer and the commission with respect to the handling of public complaints;
    e. monitor the handling of public complaints and ensure that public complaints are handled in a manner consistent with the public interest; and
    f. inspect annually, or at those times directed by the Minister, the records, operations and systems of administration for the handling of public complaints by police services.
2. In exercising the duties of the PCC pursuant to this section, the PCC:
    a. shall receive and obtain information respecting a public complaint from the complainant;
    b. may receive and obtain information respecting a public complaint from the member or chief who is the subject of the complaint, the chief or the board, in any manner that the investigator considers appropriate;
    c. may request access to any files or other material in the possession of the police service relevant to a public complaint; and
    d. may interview and take statements from the chief, board, complainant and the member or chief who is the subject of the public complaint.

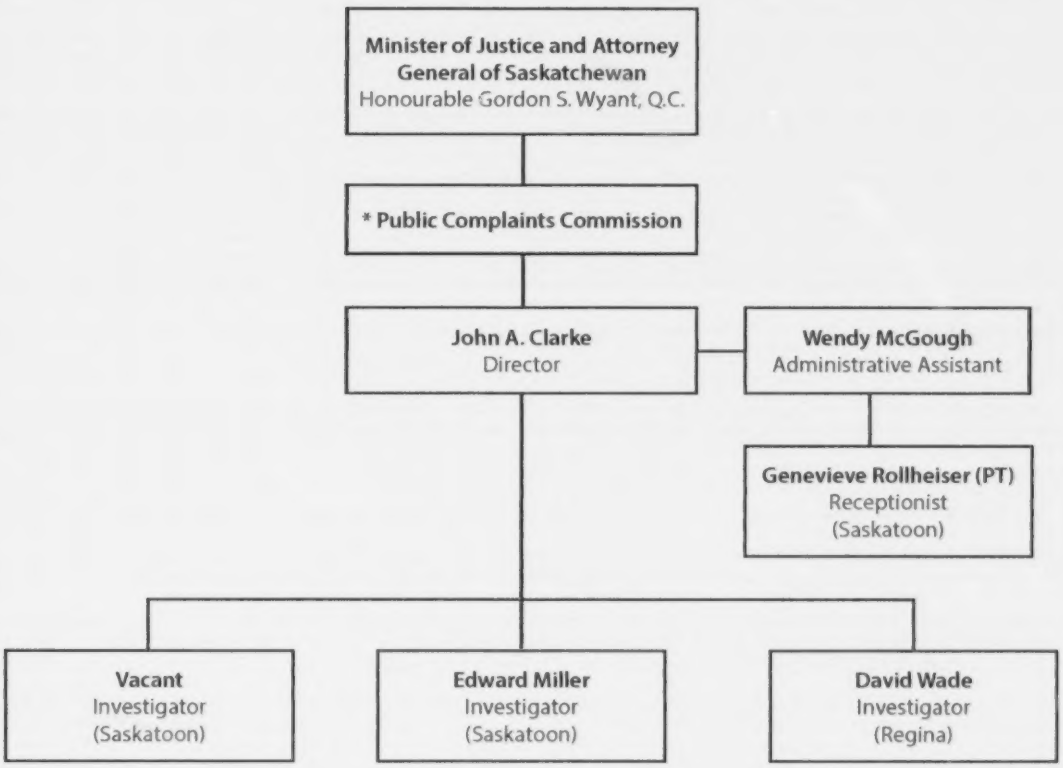
The PCC determines whether the investigation of a public complaint will be conducted by:

- ⇨ the PCC investigative staff;
- ⇨ the police service whose member is the subject of the complaint;
- ⇨ the police service whose member is the subject of the complaint with the assistance of an observer appointed by the PCC to monitor the investigation and report to the PCC; or
- ⇨ a police service other than the police service whose member is the subject of the complaint.

The Police Act, 1990 states that the Chief of Police is responsible for the maintenance of discipline. Although the majority of the PCC's findings are accepted by police chiefs, the findings are not binding on the chiefs.

From time to time, differences of opinion with police chiefs have arisen and have resulted in healthy debate. While consensus is not always reached, the differences speak to the independence of the PCC.

Organizational Structure



*The PCC consists of five individuals including a chairperson and vice-chairperson. Members are appointed by the Lieutenant Governor in Council.

Public Complaints Commission

Members of the Public Complaints Commission

Members are appointed for a three-year term and may be reappointed for a second term of the same duration. However, no member may be appointed to more than two successive terms.

Members meet twice a month to review new complaints, receive briefings on current investigations, and reach consensus on final determinations of completed investigations that culminate in written decisions.

Chair:

- W. Brent Cotter, Q.C., Saskatoon

Vice Chair:

- Catherine M. Knox, Lawyer, Saskatoon

Members:

- Arne Lindberg, Prince Albert: An instructor at Saskatchewan Polytechnic in Prince Albert, former school principal and Prince Albert City Councilor.
- Marjorie LaVallee, Regina: An education consultant and non-government liaison and permanent member of the Indigenous Peoples Permanent Forum with the United Nations.
- Michel Maurice, Saskatoon : Métis Elder.

Director:

- John Clarke: Responsible for the administration and daily operation of the PCC.

Contact Information

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SASKATOON SK S7K 2H6
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Fax: (306) 964-1454

Website: **www.saskatchewan.ca/pcc**

Message from the Chair

The PCC is an independent agency of the Government of Saskatchewan mandated to provide civilian oversight of the conduct of municipal police officers in Saskatchewan.

The Commission in its present formation was established by amendments to *The Police Act, 1990* in 2006 following a remarkable process of collaboration led by then Deputy Minister of Justice Doug Moen that included representatives of the Chiefs of Police, police associations, the RCMP, the Federation of Saskatchewan Indian Nations (FSIN) and the Métis Nation of Saskatchewan.

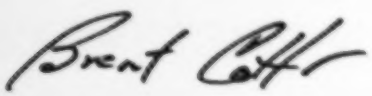
In its ten years of existence, the Commission has received and dealt with over 1,000 civilian complaints. All complaints of misconduct by municipal police officers are referred to the Commission. In order to avoid the perception that the "police investigate themselves," the Director of the Commission assigns sensitive and controversial complaints to the Commission's investigators. Less serious and less sensitive complaints are often referred for investigation to the police service from which the complaint arose, all under the oversight of the Commission. As well, the Special Investigation Unit of the FSIN provides assistance to the Commission and liaises with complainants of First Nations ancestry. The legislation provides significant authority to investigators in the conduct of their work, and the quality, diligence and integrity of the investigations undertaken under the authority of the Commission has rarely been questioned.

The Commission continues its work under the guidance of its Executive Director, John Clarke, to whom much of its success and professionalism is owed.

Complaints continue to be handled with integrity and fairness, and we believe that in its work of civilian oversight the Commission continues to retain the respect of civil society, Aboriginal organizations and the professional policing community.

As this annual report notes, the Commission has continued its professional work of civilian oversight. The Commission has begun work analyzing the results of its ten years of existence, as well as a review of its legislative mandate, and undertaken consultations on various policies of the Commission. We are confident this will benefit the Commission, civil society and the policing community in the years to come. As well, the Commission has plans underway, in partnership with the RCMP, to undertake a public awareness initiative to better inform the citizens of Saskatchewan of the role of the Commission and avenues available to citizens when they are of the view that police officers may have misconducted themselves.

As has been the case since the creation of the Commission in 2006, we continue to strive to ensure: (a) that citizen concerns about their engagements with the police are given fair, adequate and independent consideration; (b) that our work assists in providing guidance to the policing community; and (c) that our work continues to build public confidence in those members among us—the police—who are entrusted to keep the peace in our communities.



W. Brent Cotter, Q.C.

Chair

Progress in 2015-16

2015-16 Key Commitments

- Continue, as in previous years, to ensure the mandate of the PCC is carried out in an expeditious manner.
- The PCC will celebrate its 10th anniversary in 2016 and will host the Canadian Association of Civilian Oversight of Law Enforcement (CACOLE) annual meeting and conference in Saskatoon and Wanuskewin Heritage Park.
- In conjunction with our 10th anniversary, the PCC has initiated an ongoing review of its legislated mandate to determine ways in which the current legislation can be strengthened to meet public expectations.
- A community awareness program is currently under development to raise the PCC's public profile. This program will be developed in consultation with our stakeholders. It is anticipated the program will be ready for the fall of 2015.

2015-16 Results

- The PCC's workload remained relatively similar to 2014-15. The majority of public complaints continue to be received by municipal police services where the officer is employed. There was a noticeable decrease in the number of complaints made in person with a corresponding increase in the number of complaints mailed to the PCC. Similarly, the number of complaints received on the PCC's website remained consistent with last year.
- The PCC continues to be an active member of CACOLE. The Chair and Director attended CACOLE's annual conference hosted in Ottawa, Ontario in 2015, where PCC Chair W. Brent Cotter, Q.C., was elected President of CACOLE. In conjunction with the PCC's 10th anniversary, the PCC will host CACOLE's annual conference in May 2016.
- The importance of the PCC's relationship with our provincial counterparts and the RCMP's Civilian Review and Complaints Commission cannot be understated. The former acts as an information resource and comparison reference, while the latter is a vital working partner. Municipal police and RCMP officers also work together on several joint forces operations within the province and are subject to the public complaint process.
- The PCC presented to two recruit classes at the Saskatchewan Police College. Prior to graduating the recruits are provided a comprehensive understanding of the public complaint process. *Peel's Principles of Policing* continues to be the guideline for police officer conduct. The PCC also presented on professionalism and ethical conduct to a new class of Deputy Sheriffs responsible for court security and the transportation of individuals in custody. The PCC is a strong supporter of the additional training provided to recruit field training officers and police supervisors.
- The PCC hosted a training seminar attended by 48 individuals involved in various aspects of municipal policing in Saskatchewan. This interactive session, through a combination of lectures and case studies, focused on a review of the public complaints process, the increasing influence of social media, and addressing false complaints. Special emphasis was placed on mental health and wellness, and the way these issues affect policing and police officers.
- The PCC acknowledges the importance of the various government agencies such as the Saskatchewan Ombudsman, the Saskatchewan Human Rights Commission, the Public Prosecutions Division of the Ministry of Justice, the Saskatchewan Police Commission and the Saskatchewan Police College.
- The PCC attended and participated in the annual meetings of the Saskatchewan Association of Chiefs of Police and the Saskatchewan Federation of Police Officers. Continued discussions with these groups about the PCC's perspective on current issues in policing are essential, and have proven invaluable in the promotion and acceptance of the public complaint process in the policing community. Our relationship with the Federation of Sovereign Indigenous Nations' (formally known as the Federation of Saskatchewan Indian Nations) Special Investigations Unit continues to grow in a positive manner.
- Members of the PCC and investigative staff took online training on Conducted Energy Weapons (CEWs) and participated in a classroom training session to better understand the operation and in what circumstances a CEW may be properly used.

2015-16 Matters of Concern

- The PCC continues to monitor the use of CEWs by municipal police services in the province. Twenty-eight deployments were reviewed. Some required additional clarification; all were found to be appropriate in the circumstances described.
- The PCC continues to be concerned with the inappropriate exercise of the powers of arrest, search and seizure, and the entry into homes without warrant in the absence of exigent circumstances. These issues have been brought to the attention of the Chiefs of Police who have initiated additional training sessions for front-line officers. This is further complicated, as in some instances police supervisors are not recognizing the lack of authority and are not taking corrective action with their subordinates. This issue has also been identified and commented upon by Public Prosecutions when reviewing investigations where excessive use of force has been alleged during arrest.
- The lack of articulation in report writing, particularly where force was used during an arrest, continues to be a concern. Police jargon "subject became assaultive" does not adequately describe the actions which the officer had to overcome.
- The PCC investigated three complaints from members of the public where it was alleged that police officers inappropriately took individuals into custody and drove out of the municipality to drop these individuals off. The PCC's investigations—supported by police Global Positioning Systems (GPS), in-car cameras, police officers' interviews, and cell phone records—determined these events did not happen. Two of these files have been reviewed by Public Prosecutions who determined that it was not in the public interest to charge the complainants with public mischief. The review of the third file is pending.
- The increased use of police car cameras, video recordings inside police buildings, the use of social media by on-duty officers, and the issues surrounding body worn cameras will be matters of interest going forward. For example, no concrete understanding or policies exist regarding whether private conversations between police officers that contain inappropriate comments and humour, unrelated to a particular public complaint, can be classified as improper conduct.

2016-17 Plans

- Ensure that the mandate of the PCC is carried out in an expeditious manner.
- Partner with the RCMP's Civilian Review and Complaints Commission to implement a public awareness program to promote awareness of Saskatchewan's public complaint processes.
- Continue with the review of the PCC's legislated mandate. This process is nearing completion with a draft report anticipated in the fall of 2017.

2015-16 Performance Measures

The statistics set out in the tables on this page are for the period April 1 to March 31, for the fiscal years 2012-13, 2013-14, 2014-15 and 2015-16. The following pages show the breakdown of complaints for each of the ten municipal police services and four rural municipality police services in the province during the 2015-16 fiscal year.

Number of Complaint Files Opened

Police Service	2012-13	2013-14	2014-15	2015-16
Regina	57	44	51	36
Saskatoon	54	38	50	65
Moose Jaw	4	1	4	10
Prince Albert	7	1	13	11
Estevan	4	9	1	3
Weyburn	1	1	3	1
Caronport	0	0	0	0
Dalmeny	0	0	0	0
File Hills	2	0	0	0
Luseland	0	0	1	0
R.M. of Corman Park	0	0	0	0
R.M. of Lakeland	0	1	0	1
R.M. of Vanscoy	0	0	0	0
R.M. of Wilton	0	0	0	0
Safer Communities & Neighbourhoods	0	1	0	0
Town of Rosetown			1	0
Total Number of Files	129	96	124	127

The table below shows the percentage of complaint files that fall within certain time-frames, during which the complaint is received, investigated, reviewed and the complainants are advised of the action taken with respect to their concerns.

Percentage of Complaint Files Completed Within Given Time-frames

Days	2012-13	2013-14	2014-15	2015-16
0 – 30	27	28	27	13
31 – 60	5	10	8	10
61 – 90	6	5	6	8
91 – 120	2	6	1	2
121 – 150	3	1	2	4
151 – 180	2	3	2	2
Over 181	9	7	12	8
Pending	46	40	42	53

Statistical Data

Findings of Complaints Received

April 1, 2015 to March 31, 2016

Police Service	Sub-stantiated	Unsub-stantiated	Unfounded	Withdrawn/ Other	S.45(5)**	Informal Resolution	Service/ Policy	Not Yet Completed	Total
Regina	2	0	7	1	9	1	1	18	39
Saskatoon	4	1	9	11	9	0	0	37	71
Moose Jaw	0	0	0	1	4	0	0	6	11
Prince Albert	0	0	3	3	2	0	0	4	12
Estevan	2	0	0	1	0	0	0	1	4
Weyburn	0	0	0	0	0	0	0	1	1
Caronport	0	0	0	0	0	0	0	0	0
Dalmeny	0	0	0	0	0	0	0	0	0
File Hills	0	0	0	0	0	0	0	0	0
Luseland	0	0	0	0	0	0	0	0	0
R.M. Corman Park	0	0	0	0	0	0	0	0	0
R.M. Lakeland	1	0	1	0	0	0	0	0	2
R.M. Vanscoy	0	0	0	0	0	0	0	0	0
R.M. Wilton	0	0	0	0	0	0	0	0	0
Town of Rosetown	0	0	0	0	0	0	0	0	0
Total* & ***	**9**	**1**	**20**	**17**	**24**	**1**	**1**	**67**	**140**

*While only 127 complaints were filed, some had multiple complaints and findings.

**Under section 45(5) of *The Police Act, 1990* circumstances did not require investigation or, during the course of the investigation, it was determined that circumstances no longer supported the continuation of the investigation.

***Some allegations involve multiple officers. For statistical purposes, only the allegations are indicated; not the total number of officers.

Classification of Substantiated and Unsubstantiated Complaints

April 1, 2015 to March 31, 2016

Police Service	Substantiated	Description
Regina	1	36Av
	1	36D
Saskatoon	2	36Av
	1	36C
	1	37Ei
Estevan	1	36Av
	1	36Fii
R.M. Lakeland	1	36Av
Police Service	**Unsubstantiated**	
Saskatoon	1	37Ei

Definition of Complaint Findings

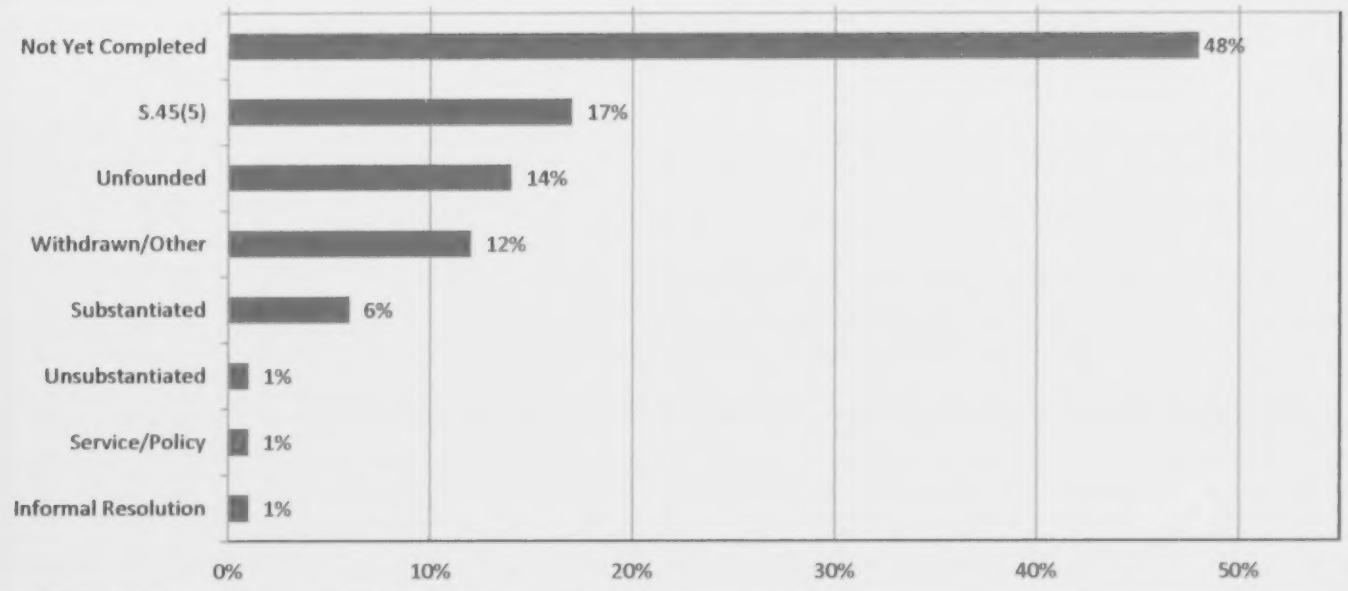
- Substantiated – supported by evidence
- Unsubstantiated – allegation cannot be proved or disproved
- Unfounded – unsupported by evidence

Definition of Descriptions

- 36Av - Discreditable Conduct
- 36C - Neglect of Duty (Major)
- 36D - Improper Disclosure of Information
- 36Fii - Abuse of Authority - Unnecessary Violence
- 37C - Neglect of Duty (Minor)
- 37Ei - Abuse of Authority – Discourtesy/Uncivil

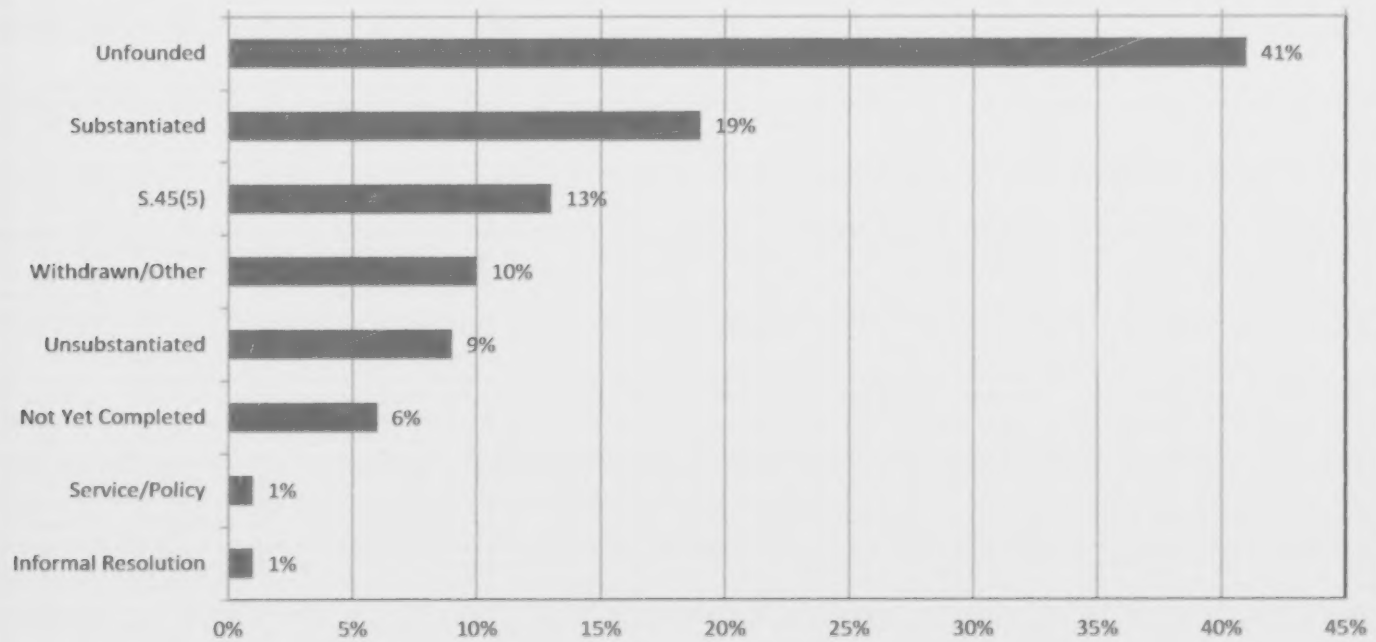
Complaint Findings

April 1, 2015 to March 31, 2016



Revised Complaint Findings

April 1, 2014 to March 31, 2015



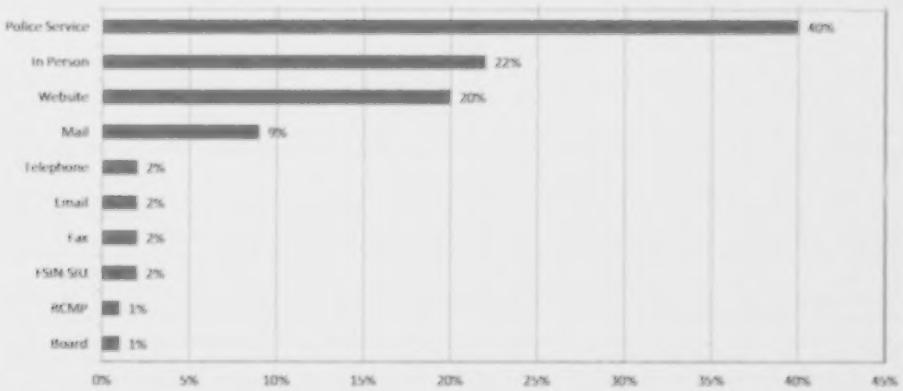
Five-year Comparative Statistics

2011-12 to 2015-16

	2011-12	2012-13	2013-14	2014-15	2015-16
Substantiated	31	32	28	32	9
Unsubstantiated	22	20	3	16	1
Unfounded	79	75	49	72	20
Withdrawn	24	8	8	17	17
Not Yet Concluded	2	1	0	10	67
Section 45(5)	43	30	36	23	24
Service	4	4	2	2	1
Informal Resolution	1	7	3	2	1

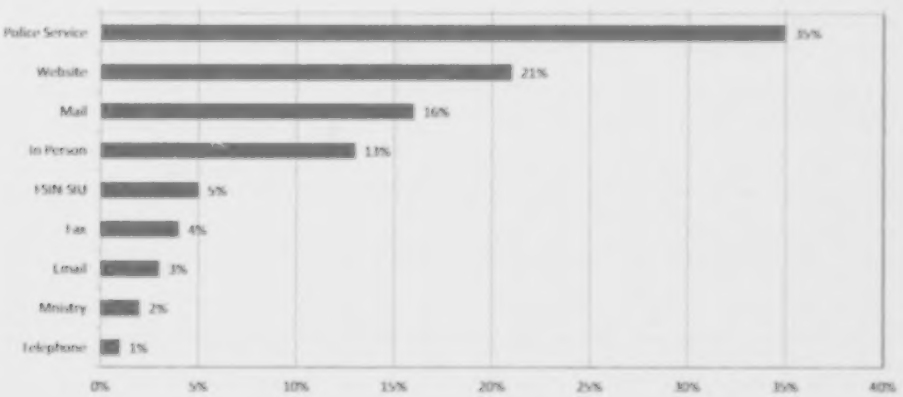
Incidents Received by Source

April 1, 2014 to March 31, 2015



Incidents Received by Source

April 1, 2015 to March 31, 2016



Type of Complaints Received

April 1, 2015 to March 31, 2016

Type of Complaint	Regina	Saskatoon	Moose Jaw	Prince Albert	Estevan	Weyburn	Caronport	Dalmeny	Luseland	File Hills	Corman Park	Lakeland	Vanscoy	Wilton	Rosetown	Total
Discreditable Conduct	6	12	1	0	1	0	0	0	0	0	0	2	0	0	0	22
Neglect of Duty	4	10	2	4	1	0	0	0	0	0	0	0	0	0	0	21
Insubordination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Disclosure of Information	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Corrupt Practice	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Abuse of Authority																
Improper Arrest	2	3	0	0	0	0	0	0	0	0	0	0	0	0	0	5
Unnecessary violence	4	1	1	1	1	0	0	0	0	0	0	0	0	0	0	8
Discourtesy/Uncivil	3	8	0	1	0	0	0	0	0	0	0	0	0	0	0	12
Improper Use of Firearms	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Damage to Police Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Wearing of Uniform	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Misuse of Liquor /Drugs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Conduct	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Others	0	0	1	2	0	0	0	0	0	0	0	0	0	0	0	3
Not Yet Completed	18	37	6	4	1	1	0	0	0	0	0	0	0	0	0	67

Case Summaries

Ms. W

Ms. W's complaint relates to the actions of a police officer who approached her, asked personal questions, made improper remarks that made her uncomfortable, identified himself using a false name, and offered to give her a ride. Ms. W suspected the officer had been following her.

Ms. W stated that she was familiar with the officer from an incident two years prior when he escorted her friend home when she was under the influence of intoxicants. Ms. W met the officer about a day later when he returned, apparently to check on the welfare of her friend. Ms. W was aware the officer returned to her friend's residence several times to check on her friend's welfare. The officer spoke to Ms. W on several occasions. On these occasions, the officer was in uniform. Ms. W indicated that during these events two years ago she told the officer she did not wish further contact with him.

The investigation determined Ms. W's information was part of a pattern where the officer was alleged to have made improper contact with women he encountered during the course of his duties. The investigation revealed that the officer had accessed police information systems, used work time and police vehicles to contact individuals for purposes that were not related to his duties as a police officer. The investigation whether the officer was using police resources to follow or watch Ms. W during the time of the incidents discussed in her complaint. Information did not support the officer having committed an offence against anyone.

Under the provisions of section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief reviewed the circumstances, suspended the officer from duty and initiated disciplinary action against the officer for Dishonorable or Unbecoming Conduct.

Prior to the conclusion of the disciplinary process, the officer resigned from the police service. As a result, the individual was no longer a police officer under the authority of the Chief of Police or the discipline provisions of *The Police Act, 1990*.

The PCC was satisfied that Ms. W's concerns were taken very seriously by the police service, promptly and thoroughly investigated and appropriate action taken.

Mr. J

Mr. J's complaint related to the actions of several police officers responding to a collision involving an injured or ill driver that occurred about 5:15 a.m. near his place of business. Mr. J's concern reflected concerns from other members of the public and the media related to the police response to the incident. Mr. J believed that the police were unreasonably delayed—more than an hour—in responding.

The circumstances were already under internal review by the police service. Mr. J was informed the PCC was established pursuant to *The Police Act, 1990* to record and monitor complaints about officers appointed under the Act and to ensure complaints are handled in a manner consistent with the public interest. In these particular circumstances, police policy and procedures, and the actions of uniformed officers and civilian dispatch personnel came under review. Mr. J's concerns were deemed to be a public complaint subject to review by the PCC.

Police service reports, records and statements were reviewed, along with related policies and procedures. Similar to many emergency services, the police service operates a communications centre to receive and respond to calls for service which uses highly trained staff and electronic information systems.

Staff is assigned to receive complaints from the public and gather information which is used to prioritize the calls for service. Not all 911 calls are emergencies. Other communications staff are assigned to dispatch available officers based on the information obtained by complaint takers and provide support and coordination to the dispatched officers.

The policy and procedures are designed to prioritize the urgency of calls. At the time of this incident, available police officers were otherwise occupied on a backload of calls. Generally, on-duty patrol officers are not aware of the pending calls for service until they are dispatched by communications systems.

It was determined that a 911 call at 5:19 a.m. was the first report of a collision between a vehicle and a parked car; the driver appeared passed out. The call was categorized as a motor vehicle collision by the communications officer.

A subsequent 911 call related to the same incident was received by a different communications officer at 5:34 a.m., indicating the driver may need assistance. At 5:40 a.m. a 911 call with similar information was received by the first communications officer from an unknown caller. At 6:00 a.m. a third communications officer received a non 911 call about the incident expressing concern about the delay in response. Subsequent to a further 911 call two minutes later indicating the occupant of the vehicle was in medical distress, the third officer notified Emergency Medical Services (EMS) and re-categorized the matter as a motor vehicle collision with injuries. An officer was dispatched to the incident at 6:21 a.m. arriving at 6:26 a.m. At that time, the occupant of the vehicle had been removed to hospital by EMS personnel.

Unfortunately, the vehicle's occupant was determined to be deceased at the hospital. The investigation established that the death was not the result of injury related to the collision.

Under the provisions of section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief reviewed these circumstances and determined that the three communications officers failed to code the call appropriately and notify the ambulance service as set out in policy and procedures. Fault was not found with the officers responsible for dispatch or responding to the call. The Chief publicly acknowledged the short comings on behalf of the police service and expressed regrets during a meeting of the local Board of Police Commissioners, through the media and during a personal meeting with representatives of the deceased's family.

With the consent of the PCC, disciplinary action in the form of a Reprimand was administered to the three communications officers pursuant to the provisions of *The Municipal Police Discipline Regulations, 1991*.

The PCC was satisfied that Mr. J's concerns and the public's concerns about the incident were thoroughly and impartially investigated and reviewed. The matter was handled in a manner consistent with the public interest.

Mr. F

Mr. F's complaint related to the actions of a police service K-9 officer and police service dog. Mr. F alleged that he was attacked and injured by the dog. The investigation was conducted by a PCC investigator.

Mr. F stated he was in the area of locally known sporting facility when he saw a black truck stopped nearby. When Mr. F rounded the corner of the building he observed a dog about 200 feet away. The dog approached Mr. F, who because of his fear of dogs, jumped onto a concrete lamppost base.

A man yelled at Mr. F to stay still, but the dog nipped his leg and then bit his arm at which time Mr. F kicked at the dog. The dog bit him several times resulting in bite wounds and torn clothing. The dog was not on a leash and some moments passed before a male in dark clothing arrived to restrain the dog.

Although this individual was not in uniform and the vehicle was unmarked, the individual identified himself as a police officer with a police service dog. The officer examined Mr. F's injuries and torn clothing and called for a supervisor who arrived about 20 minutes later. The supervisor took photographs and then transported Mr. F to the hospital for medical treatment. Mr. F indicated that surgery may be required at a future time. Photographs were reviewed depicting the injuries to his arm and legs.

The investigation confirmed that the animal was a police service dog in the care of a substitute officer for feeding, grooming and exercise while the dog's master / handler was away. The replacement officer was not a trained canine officer, although he had worked with canine officers and their service dogs in training scenarios and had previously cared for service dogs while their handlers were away. It was established that although there are no specific policies, the officer caring for the service dog had been provided guidance on the use of a leash when the dog was in public and leashes were available. Although highly trained, a service dog is less responsive to commands from persons other than its handler.

The officer in charge of the dog substantially agreed with Mr. F's recollection of the incident. Prior to his encounter with the dog, the officer stated it was his judgement the area was vacant; no members of the public were visible when he released the dog. The officer was regretful and recognized the error in his judgement.

Under the provisions of section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief reviewed these circumstances and determined that the officer failed to comply with explicit directions given by more than one canine officer / supervisor related to positive control of police service dogs in public areas. Advice as to Future Conduct, as provided by *The Municipal Police Discipline Regulations, 1991*, was administered to the officer.

The PCC was satisfied that Mr. F's complaint was thoroughly and impartially investigated and reviewed. It was regrettable that Mr. F was injured in the incident. There was no dispute that Mr. F had done anything wrong; the dog was simply not under adequate

direct control in a public place. While the officer in charge of the dog may not have anticipated such an incident, and there was no formalized training or policy, he did not follow clear and prudent guidance provided him by expert dog handlers.

The Chief of Police took action appropriate to the circumstances to prevent a similar incident in the future. Although consideration of claims for compensation are not within the purview of the PCC, it was expected that the Chief of Police would ensure appropriate action be taken having regard for Mr. F's absolute innocent involvement in the encounter.

Mr. M

Mr. M's complaint related to the actions of police officers who dealt with him. Mr. M alleged the officers abused their authority and used unnecessary violence, possibly due to racial profiling. The investigation was conducted by a PCC investigator, independent of the police service.

Mr. M stated that he was walking home when he noticed several police cars in the area. An officer spoke to him from his vehicle and asked Mr. M to identify himself. Mr. M was of the opinion that he was doing nothing improper and there was no legal requirement to provide his name; he declined and continued walking. A police officer, and then a second officer, exited their vehicles and approached him.

An officer explained that Mr. M fit the description of an unknown person in possession of a stolen television being sought by police. Mr. M told the officer he had no knowledge of and was not in possession of a television and that he doubted that his description matched that of the suspect. Mr. M did not believe he was detained and was not advised of his rights. He advised the officers that he was aware of his rights and declined to identify himself. One of the officers threw Mr. M up against a nearby wall and handcuffed him. Mr. M told the officer(s) that there was no basis for their actions and refused to identify himself. Mr. M was then forcibly placed face down in the back seat of one of the police cars. Mr. M subsequently identified himself to an officer who made certain checks.

Mr. M stated that he had marks on his cheek and forehead as a result of the officers' actions.

Mr. M stated one of the officers did make a search in the area for a television. Mr. M believed that upon determining that there was no cause to continue his detention, the officers' demeanour changed. He told the officers that he believed he had been mistreated.

Mr. M stated that he went to the police station where he was referred directly to the Watch Commander who escorted him to another area. Mr. M was of the opinion that this was not the process for other members of the general public attending the police station. The Watch Commander did not provide his name. The Watch Commander insisted that Mr. M initially discuss his concerns, but declined his request for a pen and paper to record his information. The Watch Commander left Mr. M alone for a period. Another officer suggested Mr. M depart and report the matter directly to the PCC.

Mr. M believed his ancestry influenced the way he was treated.

Police reports and records—including recordings from the police cars and police station, and transcripts of phone calls, officers' notes and statements—were reviewed. The series of events started with a citizen reporting suspicious activity in the vicinity near where Mr. M was approached. Information was provided to the police that an individual was attempting to sell a large television he was carrying. The caller described the individual as a young aboriginal male with short hair, no front teeth and dressed all in black.

Officers arrived in the area within two minutes and Mr. M was the only person noted in the area. Officers acknowledged that he was not in possession of a television and that Mr. M differed to some extent from the suspect description provided. The officers stated Mr. M declined to identify himself and walked away when he was approached. Officers stated that they told Mr. M the reason he was approached and the nature of their investigation. Officers acknowledge that at no point was Mr. M told that he was under arrest or advised of his charter rights, although the officers indicated they believed the circumstances warranted his detention for investigative purposes. Officers admitted using physical force to handcuff Mr. M and place him in a police car.

The portions of the incident captured on audio and video records do not contradict this. The officers' initial reports did not include the use of force beyond mention that Mr. M was uncooperative.

The Watch Commander, on duty at the time, confirmed the information Mr. M provided. Police policy and procedure requires that complaints about officers' actions be referred to the Watch Commander. The officer was temporarily acting in the position and had limited experience in the role. He was informed by the officers who stopped Mr. M and that Mr. M may be coming to the police station to make a complaint. The officer stated that he found Mr. M highly agitated and unreasonable and he believed that it would be of benefit for Mr. M to explain the circumstances from his perspective before taking a formal statement. The Watch Commander stated that his intent was for Mr. M to calm to some degree. He denied acting to discourage or intimidate Mr. M by leaving the room. There is no record of what transpired between other staff on duty, but it was not the Watch Commander who invited Mr. M to make his complaint directly to the PCC.

As Mr. M alleged excessive use of force, Section 47 of *The Police Act, 1990*, requires the circumstances be reviewed by the Ministry of Justice's Public Prosecutions Division to determine if the conduct of the police officer(s) constitutes the criminal offence of assault. Following their review, Public Prosecutions provided their response which expressed the opinion that it was doubtful grounds for investigative detention existed and there was no lawful justification for the use of force in this case. The officers were responding

to a report of a specific crime and responded immediately. The officers were not sufficiently familiar with the limitations of police authority in these circumstances and it is suspected this knowledge deficiency is widespread. It was the view of Public Prosecutions that, considering all of the circumstances, this matter could be addressed in other ways and that the public interest did not require a criminal prosecution.

Under the provisions of Section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief reviewed these circumstances and determined that standards and expectations of the police service were not satisfied. The Chief has recommended additional training in arrest authorities for the officers directly involved in this matter in lieu of formal discipline. This training will also be extended to include all police officers. The Chief of Police offered to meet with Mr. M in person to express the regrets of the police service and inform him of the actions that will prevent a future incident of this nature.

The Chief determined that the Watch Commander did not take appropriate action to facilitate receipt of Mr. M's complaint by the police service. Guidance was provided to the officer pursuant *The Municipal Police Discipline Regulations, 1991* to better handle this responsibility in future.

The PCC was satisfied that Mr. M's concerns were thoroughly and impartially investigated and reviewed. His version of the incident was not disputed. It was noted that the officers were honest and forthright in accounting for their actions and Mr. M was assured that the incident had been taken most seriously by the PCC, Public Prosecutions and the police service.

These circumstances are very different from current controversy in other jurisdictions related to arbitrary street checks that may involve profiling. Here there was specific information, about specific criminal activity by a specifically described suspect. Mr. M was, by unfortunate coincidence, the only person observed in the immediate vicinity. Officers failed to recognize that he was not the right person, which should have been apparent—Mr. M did not have possession of a television and there was significant difference in physical description. Officers did not make sufficient further investigation before attempting to exercise their authority to use physical force.

The PCC had great concern about the circumstances that led to Mr. M's treatment. Although discipline pursuant to *The Municipal Police Discipline Regulations, 1991* was appropriate, the Chief of Police bears the statutory responsibility to administer a police service, including discipline, except under exceptional circumstances. The PCC agrees that the additional training provided to all police officers to update their knowledge on current arrest authorities has merit in preventing future similar situations. This is not inconsistent with the view of Public Prosecutions. Indeed while the incident was certainly unpleasant for Mr. M, it has led to meaningful education and training initiatives at the police service that will, hopefully, eliminate these encounters and benefit citizens in the future.

Police officers have the benefit of a fairly broad duty to inquire pursuant to common law principles, subject to limitations imposed by the *Charter of Rights and Freedoms*, other legislation and precedent-setting case law, which are continuously evolving. Wisdom and knowledge on the part of police officers is critical in judging the moment they must disengage despite the fact that their interest or suspicion may have been aroused.

In conclusion, Mr. M's complaint was handled in a manner consistent with the public interest and action appropriate to the circumstances has resulted.

Mr. G

Information provided to the PCC by a police service resulted in the PCC initiating a public complaint on behalf of Mr. G pursuant to the provisions of *The Police Act, 1990*. The investigation was conducted by a PCC investigator independent of the police service.

During the early morning hours, Mr. G was arrested by a police officer after a foot pursuit and struggle. It was alleged that the officer made improper remarks and used unnecessary violence.

Police records, reports and officers' notes and statements were reviewed. The incident occurred after officers were dispatched to a local restaurant to investigate a gathering of individuals behind the establishment who were allegedly acting suspiciously. There were past reports of illicit drug use in that location.

The first officer to arrive was, although working alone at the time, inexperienced and not yet finished his training period. He reported that on arrival all of the unknown subjects fled. He issued verbal commands to "stop or I'll shoot" and then chased and tackled Mr. G.

Mr. G acknowledged that he was under the influence of alcohol and ran away from the officer for no particular reason, other than that the individuals he was with had also fled. Mr. G and other police officers who arrived on scene reported that the officer unnecessarily forced Mr. G's face onto the ground more than once and made inappropriate remarks to the effect of "that's what you get when you run from the police." There is evidence that this occurred at least once after Mr. G was on the ground and handcuffed. Afterwards, Mr. G was noted to have marks, scrapes and bruises to his face and head.

The police service's internal review mechanisms for situations where force is used brought into question the officer's actions.

As excessive use of force was alleged, section 47 of *The Police Act, 1990* requires the circumstances be reviewed by the Ministry of Justice's Public Prosecutions Division to determine if the conduct of the police officer(s) constitutes a criminal offence. Following their review, Public Prosecutions recommended the officer be charged with assault.

Under the provisions of section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief reviewed these circumstances and found that the conduct of the officer was completely inappropriate and likely to bring discredit upon the police service. As the officer was subject to conditions as a probationary officer, the decision was taken to terminate his employment. The officer was also charged with assault, and the matter is currently before the court.

The PCC was satisfied that the incident was thoroughly and impartially investigated and reviewed. The PCC takes complaints related to officers' use of violence very seriously. Other police officers and supervisors acted with a high degree of professionalism in reporting their concerns about the incident. To a certain degree, the officer's actions could be attributed to his inexperience, enthusiasm and excitement; however, the PCC agreed with the Prosecutor's and Chief's determinations that his actions went beyond that. With the termination of his employment, the officer was no longer under the jurisdiction of the Chief of Police or *The Police Act, 1990* in respect to other disciplinary action.

The complaint was handled in a manner consistent with the public interest and appropriate action was taken.

Ms. BW

Ms. BW alleged that two police officers arrested her, placed her in a police vehicle and drove her into the country beyond the city limits. She stated the officers turned off their computer, the GPS and the heater in the police car. She stated the officers took her coat, shoes, keys and cell phone and did not return them to her. Ms. BW also said that while she was in the police car one of the officers told her, repeatedly, to "shut the f..k up."

Ms. BW stated that she and her sister had returned home to their apartment building and she had trouble opening the door of the apartment with her key. Ms. BW stated her sister started having an anxiety attack shortly before the police showed up. Ms. BW stated she was "a bit tipsy from alcohol" but that she was "scared sober" by the actions of the police officers.

The investigation was conducted by a PCC investigator. During the course of the investigation, the Chief of Police provided the PCC with all police reports, video and GPS data for review. Additionally, the PCC obtained copies of surveillance video from Ms. BW's apartment building.

The investigation revealed that at 4:47 a.m., an SUV type vehicle pulled up in front of Ms. BW's apartment building. An unknown female got out of the front passenger door and opened the rear passenger door. A female, later identified as Ms. BW's sister, got out of the back seat. She appeared heavily intoxicated. The unknown female assisted Ms. BW's sister to the building door and she went inside. The video showed that Ms. BW got out of the driver's side of the SUV, came around the rear of the SUV to the sidewalk and fell down to the ground. The unknown female walked by Ms. BW as she returned and got into the SUV. It appeared the unknown female waved at her to go inside the building. The SUV pulled eastbound out of sight and came back westbound a minute later and disappeared out of sight. The SUV was not seen again. The video showed Ms. BW was not wearing a coat or shoes when she got out of the SUV. Ms. BW stayed on the ground for almost five minutes before she was able to get to her feet and walk into her apartment building. Ms. BW appeared heavily intoxicated.

Shortly after she entered the building, the police service received calls on the 911 system. Callers reported two persons in the hallway of the apartment building yelling they had been beaten by a man. One of the callers stated one of the people was lying on the hallway floor and appeared unconscious. The police service dispatched a patrol unit with two male officers and a supervisor in a separate vehicle. An ambulance service was also dispatched. The officers entered the building and found Ms. BW and her sister on the floor of the hallway. Her sister had thrown up over herself and Ms. BW. Ambulance personnel examined both and determined her sister required further medical treatment in the hospital.

Both the police and ambulance personnel tried talking to Ms. BW in an attempt to obtain an address of someone that could take care of her. Ms. BW was not able to respond coherently to them. The officers noted items in the snow in front of the building that appeared to belong to a woman. All of the items were picked up and subsequently put into Ms. BW's purse.

The officers checked with residents and determined Ms. BW lived in the suite near where she and her sister were located, but it was locked and Ms. BW did not possess any keys. The officers confirmed a landlord did not reside in the building.

Ambulance personnel took her sister to the ambulance and the two police officers walked Ms. BW to their car. Once outside, she fell into the snow and one of the officers assisted her to her feet. Ms. BW was not under arrest or handcuffed. The officers stated intentions were to try and find someone to take care of Ms. BW as she was in no condition to look after herself.

Ms. BW was placed into the back seat of the police car at 5:14 a.m. The two ambulance vehicles had blocked the roadway and the officers were not able to leave the building until 5:27 a.m. This was confirmed through the building surveillance video and the police

GPS data.

After searching the police information system, the officers changed their location destination on the in-car computer system to what they believed was the address of Ms. BW's mother. This change of location notified the police communications centre of their location and intended destination. This documented the officers' efforts to find her mother's address. When their efforts proved fruitless, the officers determined the safest location for Ms. BW would be the police detention centre. The GPS data and the police surveillance video showed the police unit arrived at the police building at 5:41 a.m. The total transport time, from the moment the police unit drove away from Ms. BW'S building and arrived at the police service building was approximately 14 minutes.

The officers stated that during the transport they told Ms. BW repeatedly to let them know if she was going to become ill. They stated that while en route to the police station, she told the officers she was about to be ill. The officers pulled over and assisted her out of the car. She did not become ill and was put placed back into the police vehicle. This location was confirmed by GPS data. By happenstance, a police supervisor, on his way to work that morning, passed by this location and noted an officer opening the back door of the police car.

The police service cell video showed the officers helped Ms. BW out of the police car and ensured she did not fall or walk into the police car or wall. She was led into the cellblock where she was processed and lodged in a cell. The cell records showed she slept most of the 13 hours she was in the cell and was released when sober and able to care for herself. The cell staff provided her with a toque, sweater and light cloth slippers. She was also provided with a phone so she could call her mother to come and pick her up.

The officers stated they did not turn off their computer, GPS or the car heater. The cell video showed the rear windows of the police car were down a bit when it pulled into the bay. The senior officer, who had been driving, stated he likely would have rolled the windows down a bit as Ms. BW had vomit on her person and smelled strongly. The cell video showed Ms. BW did not make any comment about being cold or being mistreated in any manner. The video confirmed both officers dealt with Ms. BW in a calm, professional manner. The officers denied swearing at her.

The PCC is satisfied the officers had grounds to arrest Ms. BW for public intoxication. She was located in the public hallway of an apartment building and it was evident she was heavily intoxicated. The officers noted that even if they had been able to get into her suite, they would not have been able to leave her on her own due to her intoxicated state. The officers could have taken Ms. BW directly to the police cellblock, but made effort to find someone to care for Ms. BW. When it became apparent she was not able to confirm or provide an address to be taken to, she was escorted directly to the police cellblock.

The PCC determined that Ms. BW did not have her coat, shoes, keys or cellphone on her person when she was dropped off by unknown individuals in the SUV. It was bitterly cold that morning and she could have easily suffered severe frostbite or death when those persons drove off and left her lying on the ground. It was extremely fortunate that after almost five minutes on the ground, Ms. BW was able regain her footing and access her building.

Ms. BW was provided the opportunity to view the surveillance video from her apartment building to see if she could identify the unknown female in the SUV, but declined.

Some of the allegations made against the officers by Ms. BW were of a criminal nature. Section 140 of the *Criminal Code* makes it an offence to make a false statement that accuses another person of having committed an offence. The PCC's investigation was forwarded to the Crown Prosecutor's office for review. The Crown advised that because Ms. BW was heavily intoxicated and appeared to believe what she had alleged, it was not in the public interest to pursue a charge of public mischief against Ms. BW.

The PCC was satisfied the officers were in the lawful execution of their duty and were professional in their interaction with Ms. BW, and should be recognized for their efforts.

Mr. E

Mr. E alleged that two unidentified uniformed officers arrested him without cause, transported him to the outskirts of the city in bitterly cold weather and released him to walk back to the city in bitterly cold weather after taking his jacket and sweater. The public complaint investigation was conducted by a PCC investigator independent of the police service.

The Chief of Police notified the PCC of the incident and a criminal investigation commenced immediately.

Witness and electronic evidence revealed that Mr. E was not where he claimed to be and he was not in police custody at the time of the alleged incident. The timeline was confirmed by electronic records, including Mr. E's cell phone records and electronic messages accessed under the authority of a judicial order. Police records, including GPS, found no evidence that any police officer was in contact with Mr. E or investigating a matter in which he could have been involved. Additionally, no police cars were in the area he reported being dropped off in during the timeframe of his account.

The investigation suggested that Mr. E was a passenger on a bus texting his fabricated encounter with the police to a friend. As the investigation resulted in evidence of an offence(s), in keeping with the procedure provided by *The Police Act, 1990*, the matter was submitted to the Ministry of Justice's Public Prosecutions Division for review. Following review, the prosecutor recommended Mr. E be charged with Public Mischief pursuant to section 140(1)(a) of the *Criminal Code*. He was subsequently convicted of an offence

related to these circumstances and his sentence ran current to time he was already serving.

Under the provisions of section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief reviewed the completed investigation and concurred with the PCC's determination that there was absolutely no evidence to suggest that any police officers were involved with Mr. E as he claimed.

The PCC, the public and all representatives of the justice system take complaints about police officers' actions with the utmost seriousness, especially having regard to similar historic incidents. At the same time, false or misleading claims of wrongdoing by police officers are abhorrent and bring unnecessary discredit to police services and officers.

The PCC was satisfied that Mr. E's concern were thoroughly and impartially investigated and found to be a complete fabrication. The PCC fully supported the decision of Public Prosecutions to charge Mr. E as noted. The matter was dealt with in a manner consistent with the public interest.

Mr. N

Mr. N's complaint related to the actions of police officers who dealt with him, alleging the officers abused their authority, arrested him without cause and acted unprofessionally. The investigation was conducted by a PCC investigator independent of the police service.

Mr. N stated he had been renting a room in a residence for several months. As a result of a dispute about the use of common areas of the residence, Mr. N was provided a written notice to move out by the first of the month. He did not agree with the eviction and contacted the Office of Residential Tenancies. Mr. N was advised that the process to evict a tenant, pursuant to *The Residential Tenancies Act, 2006*, had not been followed. A hearing had been scheduled to address this matter.

On March 1 two police officers attended the residence. Mr. N stated the officers referred to a copy of the eviction notice provided by the landlady and advised him that he had to leave. Mr. N told the officers he had consulted the Office of Residential Tenancies, the eviction notice was disputed and there was a hearing scheduled. Mr. N stated the officers did not accept his explanation and declined to examine related documents that Mr. N had secured in his vehicle parked in front of the residence. Mr. N was arrested, handcuffed and taken to the police station. Specifically, Mr. N indicated that the officer grabbed him, spun him around and handcuffed him. He stated he did not understand the reason for his arrest. Mr. N consulted legal counsel and was subsequently released without charge the same evening.

Police reports and records, including officers' notes and statements, were reviewed. The month prior police officers attended Mr. N's residence regarding a dispute/struggle between him and his landlord related to the television volume in a common area of the residence. There was information that Mr. N had been bitten on the hand in a struggle over the television remote control. However, he declined to provide a statement and the mark on his hand was not consistent with a bite. It was reported that both parties intended to contact the Office of Residential Tenancies. The matter was concluded without charge.

The same officers were dispatched to this complaint from Mr. N's landlord. The dispatch information recorded the incident as an unwanted guest; there was no indication of threats or violence. Officers learned from the landlord that Mr. N had not complied with a notice to vacate the residence by the first of the month and his offer to pay rent for the following month had been declined. The officers informed Mr. N that he had to leave. Mr. N became very argumentative and refused to leave. The officers stated that he became more agitated, waived his hands and pointed his finger in front of an officer's face. An officer took the decision to arrest Mr. N to prevent a breach peace pursuant to the *Criminal Code*, based on his belligerence and actions. One of the officers recalled that Mr. N referred to documents that he had in his vehicle from the Office of Residential Tenancies related to a hearing. The officer did not take the opportunity to review those documents.

Mr. N was provided his Charter Rights, transported to the police detention unit and provided the opportunity to contact legal counsel. Mr. N was released from custody without charge a short time later.

Police reports make reference to there being no written rental agreement or contract, although various reports refer to the rental relationship, landlady and eviction. Reports do not refer to the processes and procedures set out in *The Residential Tenancies Act, 2006*, or police policies related to evictions.

The initial review of Mr. N's complaint by the Chief of Police supported the officers' actions but did not address the implications of possible lack of due process under *The Residential Tenancies Act, 2006*, or of a citizen becoming agitated with officers at being required to do something that there was no lawful requirement for him/her to do, to support an arrest for breach of peace.

During the course of the public complaint investigation it became apparent that the investigating officers and police representatives were of the mistaken opinion that the lack of a written agreement was relevant to the application of *The Residential Tenancies Act, 2006*, and that they lacked familiarity with eviction processes and procedures set out in the statute.

Although police officers do not have any specific responsibility to administer or enforce *The Residential Tenancies Act, 2006*, they are occasionally involved in disputes between landlords and tenants and should be familiar with the processes provided to facilitate

resolution of such disputes, including eviction. This is reflected to some extent in the police service policies and directives that direct that calls related to landlord/tenant disputes should be directed to specific personnel at the police headquarters.

The PCC was satisfied that Mr. N's concerns were thoroughly and impartially investigated. There is little dispute in his version of the events or his perception that the officers' actions assisted in improperly evicting him from his residence. The process provided by *The Residential Tenancies Act, 2006* had not been followed. Officers were mistaken in their understanding of the authority to arrest to prevent a breach of the peace in these circumstances. This position was supported by a review of the arrest by a senior Crown Prosecutor.

The PCC agreed with the opinion of the Crown Prosecutor that the circumstances did not justify an arrest for breach of the peace. Disagreement with police officers, who were mistaken in their understanding of legal processes and assisting in an unlawful eviction, does not constitute a breach of the peace. The officers had opportunities to exercise diligence in their understanding of the legal eviction process and related police policy, if not by reviewing the complainant's documentation, then by consulting a supervisor.

The mistaken understanding of the legislation was not limited to the two investigating officers. The Communications Officer's categorization of the matter as an "unwanted guest" was supported by a subsequent review by the police service's Quality Assurance & Training Co-ordinator. It was recognized in the initial correspondence from the police service that the complainant claimed the officers' actions were based on an improper eviction process, yet it was not apparently recognized that the lawful process and police policy was not followed.

Under the provisions of section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief reviewed these circumstances and recommended the conduct of the officers did not warrant formal disciplinary action. Both officers received Advice to Future Conduct as provided by *The Municipal Police Discipline Regulations, 1991*, with regards to their actions on this file. The Chief of Police advised that steps are being taken to provide training to front-line members concerning *The Residential Tenancies Act, 2006*.

Budget Allocation

The following figures show the approved budget for the 2015-16 fiscal year.

Approved Budget	$ 651,000
Actual Expenses	
Grant – FSIN, Special Investigations Unit	175,000
Salaries, Honorariums, Per Diems	393,000
Operating Expenses	89,000
	$ $657,000